

23347.PCT.US
09/830,399

REMARKS

In the office action mailed March 2, 2004, claims 1- 20 were pending for consideration. Specifically, the Examiner took the following actions:

- 1) Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, and 17 were identified as including various informalities;
- 2) Claims 1 and 15 were rejected under 35 U.S.C. 112, first paragraph as containing new matter; and
- 3) Claim 1 was rejected under 35 U.S.C. 112, second paragraph.

Informalities

Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15-18 were amended in accordance with the Examiner's suggestions to provide antecedent basis of all terms and correct several syntax errors. Additionally, the immediately preceding version of Claim 13 unintentionally omitted the subscript "7" as evidenced by original Claim 13 and the Example on page 18, lines 6-12 of the specification. It is submitted that no new matter has been added by these amendments.

Rejections under §112, first paragraph

The Examiner rejected Claims 1 and 15 as containing new matter. Support for the phrase "decomposing the fugitive constituent to leave the non-soluble constituent" can be found in the specification. Specifically, page 4, lines 17-20 and page 12, line 28 through page 13, line 4 describe this decomposition process of leaching the fugitive constituent to leave the final product.

In addition, the phrase "decomposing is without deposition or precipitation of dissolved fugitive constituent" also has support in the specification. For example, page 5, lines 27-29 and also page 5, lines 13-17 also describe that the process avoids deposition or precipitation of fugitive constituent.

Accordingly, Applicant asserts that no new matter was introduced in the previous response. Therefore, Applicant respectfully requests that this rejection be removed.

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Rejections under §112, second paragraph

The Examiner has also rejected Claim 1 due to lack of antecedent basis for the phrase "the non-soluble residue." Therefore, this phrase has been amended to read "the non-dissolved residue." Support for this amendment can be found at page 11, lines 13-14. Specifically, the "desired product" is synonymous with the "non-dissolved residue" as shown by the final phrase of Claim 1 (lines 19-20).

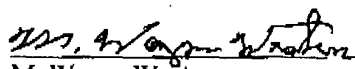
Conclusion

In view of the foregoing, the Applicant believes that presently pending claims 1-20 are in a condition for allowance and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be resolved during a telephone interview, the Examiner is invited to telephone the undersigned attorney or Erik S. Erickson so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No.

Dated this 19th day of May, 2004.

Respectfully submitted,


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